

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DUNCAN J. MCNEIL,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendants.

Case No. C05-1758L

ORDER OF DISMISSAL

On November 3, 2005, the Court denied plaintiff's motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g), which precludes a prisoner who brings three or more civil actions which are dismissed as frivolous, malicious, or for failure to state a claim from bringing any other civil action *in forma pauperis* unless he is in imminent danger of serious physical injury. (Dkt. #3). Plaintiff was informed that his action could proceed only if he paid the applicable filing fee within thirty days of the date of the order. Plaintiff moved to modify the prior order, which the court construed as a motion for reconsideration. The court denied the motion for reconsideration. To date, plaintiff has not paid the filing fee in this case.

Plaintiff was explicitly warned by order dated November 3, 2005 that he was required to pay the filing fee to proceed with this action. Because he has not done so, this action is hereby

1 DISMISSED without prejudice.

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3 DATED this 22nd day of May, 2006.

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7 Robert S. Lasnik
8 United States District Judge
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